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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/028,833	12/20/2001	Matthew W. Weismiller	8266-0685	4403
75	90 08/11/2003			
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135 N. Pennsylvania Street Indianapolis, IN 46204			ART UNIT	PAPER NUMBER
indianapons, nv 40204			3673	
			DATE MAILED: 08/11/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address	<u> </u>	Application No.	(Applicant(a)				
## Examinar Michael Treital 3673 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## Examinar of the may be available under the provision of 37 CFR 1.38(a). In role well, however, may a resty be limely tilled ## If NO period for reply specified above, the nacroums statutory period will apply with the statutory minimum of tility (00) apply will be considered from the mailing date of this communication of the form the mailing date of this communication of the form the mailing date of this communication. Any reply recorded by the Official with the thin them cannot when the the control will apply and will apply and Villey (00) days will be considered them objected to the communication. Any reply recorded by the Official with the thin them cannot will be the communication. Any reply recorded by the Official will then the three mailing date of this communication. Any reply recorded by the Official will then the three mailing date of the communication. Any reply recorded by the Official will then the three mailing date of the communication. Any reply recorded by the Official will be the thin them official will be the communication. Any reply reply and villed any replication. ### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH (%) In the consideration is non-final. ### Claim(s) 27 and 29-47 is/are pending in the application. ### Application of Claims ### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH (%) FORM TO Expire 2 Month (%) In the Application of Claims ### Application Papers ### Applicatio			Applicant(s)				
Signature Sign	Office Action Summany						
The MAILNG DATE of this communication appears on the cover sheet with the correspondence address and period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFR 1.78(a). In no event, however, may a reply be timely filed Extensions of time may be available under the provisions of 3 CFR 1.78(a). In no event, however, may a reply be timely filed If the pariod for reply specified above is less than they (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If IND pariod for reply is provided above, the maximum statutory provided largely and will supple skill (4) (4) (4) (4) (4) (4) (4) (4) (4) (4)	Office Action Summary		Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. - Ethinologia micros to a collection of the provided of the communication of 7 CFR 1.136(a). In no event, however, may a reply to simely filed - Ethinologia for reply a specified above, the materium statutory period will apply and vel expres SIX (6) MONTHS from the maining date of this communication. - If the period for reply is specified above, the materium statutory period will apply and vel expres SIX (6) MONTHS from the maining date of this communication. - If the period for reply is specified above, the materium statutory period will apply and vel expres SIX (6) MONTHS from the maining date of this communication, even if timely fised, may reduce any - average proceed by the Office as the the tree maining date of this communication, even if timely fised, may reduce any - average proceed by the Office as the the tree maining and the statutory of this communication, even if timely fised, may reduce any - average proceed by the Office as the International state the maining date of this communication, even if timely fised, may reduce any - average proceed by the Office as the International state of the maining date of this communication, even if timely fised, may reduce any - average proceeds by the Office and the Communication of Communication and the Communication of Communication and the Com	- The MAILING DATE of this communication and		1 1 1// 4 4				
THE MAILING DATE OF THIS COMMUNICATION. Editeristors of term may be resible under the provisions of 3C FR 1.13(6). In or event, however, may a reply be limely field after SN (8) MONTHS from the mailing date of this communication. I NO period for reply is spondied above, the maximum statency proved states by which he states provision and the state of the communication. Failure to reply within the set or extended period for reply vill. by statular, cause the application to become ABANDONED (SS U.S.C. § 133). Any reply neared by the Other and set then three membrals where the mailing date of this communication, even if timely filled, may reduce any Status 1) Responsive to communication(s) filled on 23 May 2003. 2a) This action is FINAL. 2b) This action is replication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 27 and 29-47 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b) Claim(s) 27.29-37.39 and 45-47 is/are allowed. 6) Claim(s) 38.40-44 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to set in the examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Approved, cornected drawings are required in reply to this Office action. 11) The proposed drawing correction filed on missare in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some b) Some b) Some of the priority documents have been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional	Period for Reply						
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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marra, Jr. (5,175,897) in view of Williams et al (5,542,138). Marra shows a hospital bed side rail 14 that is mounted to the side frame of a hospital bed by connector elements '8 and which can be raised and lowered relative to the bedframe. A pair of control panels 32, 34 is mounted on an interior side of the side guard and contains controls such as bed configuration controls, a telephone, or an intercom. The control panels lack the claimed processor that provide variable graphical information to a display screen for the controls. Williams et al teaches the use of a bedside control unit for a hospital bed that includes a control module 40 mounted upon an articulated arm structure 20 to a bedframe. The control module 40 includes a housing 42 with a control panel 50 mounted to the front of the housing, with includes a plurality of membrane switches and push buttons for various bed controls and functions. The back side of the control module 40 includes a display panel 76 pivotally mounted thereto in the same fashion as a laptop computer, unfolding the display 76 exposes a keyboard 72 and trackball 74. Inside the control module is a microprocessor 82, a communications bus 84, and an interface control module 120. Switches 86, 88 correspond to the membrane switches mounted to the control panel 50 and are monitored by the processor 82, with a display 70 that is mounted within the display panel 76 being controlled

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by the processor 82. In other words, Williams teaches the use of a programmable control and display unit for a bed that allows for microprocessor control and display of the bed's functions. It would have been obvious to the skilled artisan to have upgraded the controls of the Marra bed side rail structure with a microprocessor control that includes a display screen that provide variable graphical information as taught by Williams et al. The motivation would have been to provide the benefits of a programmable control unit for the bed, in which the control unit is essentially a microcomputer that is easily operated and controlled by a user.

Claims 38 and 40 to 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (4,612,679) in view of Williams et al (5,542,138). Mitchell shows a side guard assembly for a hospital bed that comprises a rail assembly 40 that is supported by a pair of pivot links 72 that allow the rail assembly to be raised and lowered relative to a bedframe. The rail assembly 40 includes a side guard 42 that is pivotally mounted to the rail assembly such that it can be inverted within the rail assembly. A control panel 160 is provided on one face of the side guard and contains controls for the hospital bed. Note that since the side guard 42 can be inverted within the rail assembly the controls can face to either the interior or exterior of the bed. The control panel 160 is mounted within a recess 156 defined within the side guard, with a telephone 158 being mounted in a removable fashion in the recess 156 adjacent to the control panel 160. The control panels lack the claimed processor that provide variable graphical information to a display screen for the controls. Williams et al teaches the use of a bedside control unit for a hospital bed that includes a control module 40 mounted upon an articulated arm structure 20 to a bedframe. The control module 40 includes a housing 42 with a control panel 50

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mounted to the front of the housing, with includes a plurality of membrane switches and push buttons for various bed controls and functions. The back side of the control module 40 includes

a display panel 76 pivotally mounted thereto in the same fashion as a laptop computer, unfolding

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the display 76 exposes a keyboard 72 and trackball 74. Inside the control module is a

microprocessor 82, a communications bus 84, and an interface control module 120. Switches 86,

88 correspond to the membrane switches mounted to the control panel 50 and are monitored by

the processor 82, with a display 70 that is mounted within the display panel 76 being controlled

by the processor 82. In other words, Williams teaches the use of a programmable control and

display unit for a bed that allows for microprocessor control and display of the bed's functions.

It would have been obvious to the skilled artisan to have upgraded the controls of the Mitchell

bed side rail structure with a microprocessor control that includes a display screen that provide

variable graphical information as taught by Williams et al. The motivation would have been to

provide the benefits of a programmable control unit for the bed, in which the control unit is

essentially a microcomputer that is easily operated and controlled by a user.

Allowable Subject Matter

Claims 27, 29 to 37, 39, and 45 to 47 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 38 and 40 to 44 have been considered but are most in view of the new ground(s) of rejection. While the amendment made to claim 38 would define over either of the Mitchell or Marra references when considered singly, the

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Williams reference teaches the use of a microprocessor controlled display for a bed control device that is programmable in use. In the examiner's opinion this teaching could be fairly combined by the skilled artisan with either of the Mitchell or Marra references. Accordingly a new rejection based upon §103(a) has been made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9326/9325.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

Michael Trettel

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Primary Examiner

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